

Department of Legislative Services  
Maryland General Assembly  
2009 Session

FISCAL AND POLICY NOTE

House Bill 509  
Judiciary

(Delegate Kipke, *et al.*)

---

Crimes - Harassment - Electronic Communications

---

This bill alters the State’s prohibition against the misuse of electronic mail by prohibiting a person from making an electronic communication with the intent to “harass” a person or a person’s immediate family. The bill also changes all references to electronic mail under the prohibition to the terms “electronic communication” or “electronic communication services.” Current law misdemeanor penalty provisions are applied.

---

Fiscal Summary

**State Effect:** Potential minimal increase in general fund revenues and expenditures due to the current law applicable penalty provisions.

**Local Effect:** Potential minimal increase in local expenditures due to the current law applicable penalty provisions. Local revenues are not affected.

**Small Business Effect:** None.

---

Analysis

**Current Law:** A person may not use electronic mail with the intent to harass one or more persons, or by sending lewd, lascivious, or obscene material. A violator is subject to maximum misdemeanor penalties of imprisonment for one year and/or a fine of \$500. The prohibition does not apply to a peaceable activity intended to express a political view or provide information to others. Current law does not define the term “harass.”

**Background:** The bill addresses concerns relating to so-called “cyber-harassment.” It expands the scope of Maryland’s current prohibitions against stalking and harassment to apply to chat rooms or postings to web pages such as *myspace.com*.

**State Revenues:** General fund revenues may increase minimally as a result of the bill’s monetary penalty provision from cases heard in the District Court.

**State Expenditures:** General fund expenditures may increase minimally as a result of the bill’s incarceration penalty due to increased payments to counties for reimbursement of inmate costs. The number of people convicted of these proposed crimes is expected to be minimal.

Generally, persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility. The State reimburses counties for part of their incarceration costs, on a per diem basis, after a person has served 90 days. State per diem reimbursements for fiscal 2010 are estimated to range from \$23 to \$71 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in a DOC facility. Currently, the DOC average total cost per inmate, including overhead, is estimated at \$2,600 per month. This bill alone, however, should not create the need for additional beds, personnel, or facilities. Excluding overhead, the average cost of housing a new DOC inmate (including variable medical care and variable operating costs) is \$342 per month. Excluding all medical care, the average variable costs total \$164 per month.

**Local Expenditures:** Expenditures may increase minimally as a result of the bill’s incarceration penalty. Counties pay the full cost of incarceration for people in their facilities for the first 90 days of the sentence, plus part of the per diem cost after 90 days. Per diem operating costs of local detention facilities are expected to range from \$46 to \$141 per inmate in fiscal 2010.

---

### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None. **Information Source(s):** Judiciary (Administrative Office of the Courts), Department of State Police, Department of Public Safety and Correctional Services, Public Service Commission, Department of Legislative Services

**Fiscal Note History:** First Reader - February 18, 2009  
mlm/kdm

---

Analysis by: Guy G. Cherry

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510